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DAVID HOLGUIN

**UNITED STATES DISTRICT COURT,  
DISTRICT OF ARIZONA**

DAVID HOLGUIN,	)	<b>Case No.:</b>
	)	
Plaintiff,	)	<b>COMPLAINT AND DEMAND FOR</b>
	)	<b>JURY TRIAL</b>
v.	)	
	)	<b>(Unlawful Debt Collection Practices)</b>
MRS ASSOCIATES, INC.,	)	
	)	
Defendant.	)	

**PLAINTIFF'S COMPLAINT**

DAVID HOLGUIN (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against MRS ASSOCIATES, INC. (Defendant):

**INTRODUCTION**

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

- Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
- Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

2 **PARTIES**

3 5. Plaintiff is a natural person residing in the state of Arizona.

4 6. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to  
5 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.

6 7. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought  
7 to collect a consumer debt from Plaintiff.

8 8. Defendant is a collection agency and conducts business in Arizona.

9 9. Defendant acted through its agents, employees, officers, members, directors, heirs,  
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
11 insurers.

12 **FACTUAL ALLEGATIONS**

13 10. Defendant constantly and continuously places collection calls to Plaintiff seeking and  
14 demanding payment for an alleged debt.

15 11. Defendant places multiple collection calls to Plaintiff on a daily basis.

16 12. Defendant places collection calls to Plaintiff from telephone number: 602-652-2392.

17 13. Defendant places collection calls to Plaintiff on telephone number: 480-323-5150.

18 14. Defendant also places collection calls to Plaintiff's sister who is a co signer on the  
19 account.

20 15. Defendant used profane language with Plaintiff's sister and threatened to seize her house  
21 if immediate payment was not made.

22 **COUNT I**

23 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

24 16. Defendant violated the FDCPA based on the following:

25 a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural

consequence of this is to harass, abuse, and oppress the Plaintiff.

b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, DAVID HOLGUIN, respectfully requests judgment be entered against Defendant, MRS ASSOCIATES, INC., for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

19. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, DAVID HOLGUIN, demands a jury trial in this cause of action.

RESPECTFULLY SUBMITTED,

DATED: February 17, 2011

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee  
Attorney for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF ARIZONA

Plaintiff, DAVID HOLGUIN, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DAVID HOLGUIN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 02.17.2011

  
\_\_\_\_\_  
DAVID HOLGUIN